IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08/10/2003

Coram

The Honourable Mr. Justice P.K. MISRA

Writ Petition No.4625 of 2003

D. Jayasitharathan .. Petitioner

-Vs-

The Revenue Divisional Officer,
Tirukovilur,
Villupuram District. .. Respondent

Writ Petition filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus as stated therein.

For petitioner: Mr. K. Chandran, Senior Counsel
for Mr. P.V. Bakthavatchalam

For respondent: Mr. D. Malarvizhi
Government Advocate

:O R D E R

Heard the learned counsel appearing for the parties.
2. The petitioner is challenging the order passed by the Revenue Divisional Officer rejecting his application for issuing Community Certificate indicating that he belongs to Kattunaicken Community. Even though several contentions have bee raised on behalf of the petitioner, it is unnecessary to deal with such contentions, as in my opinion, the order of the RDO is required to be set aside and the matter is required to be considered afresh by the RDO in as much as the RDO placed reliance upon the report furnished by the Tahsildar behind the back of the petitioner. After receiving the application of the petitioner for the grant of Community Certificate, the RDO had referred the matter to the Tahsildar for submission of a report. It appears that the Tahsildar in his report has indicated that the petitioner does not belong to Kattunaicken Community. A copy of such report was not furnished to the petitioner and on the basis of such report, the RDO has rejected the application of the petitioner for issuing community certificate. The principles of natural justice require that the materials which were collected behind the back of the petitioner should have been brought to the petitioner's notice so that the petitioner could have furnished his explanation or furnished his rebuttal evidence.

3. Since in the present case, the order of rejection of the application is primarily based on the report of the Tahsildar, a copy of which was not made available to the petitioner, I feel the order passed by the RDO rejecting the application for issuance of community certificate cannot be sustained. Accordingly, such order is quashed.

4. The RDO is directed to reconsider the matter afresh giving further opportunity to the petitioner. A copy of the report of the Tahsildar is to be furnished to the petitioner so that the petitioner can offer his explanation and it is expected that the matter shall be reconsidered as expeditiously as possible preferably within a period of four months from the date of communication of this order. The writ petition is disposed of accordingly. No costs.

Index: yes
Internet: yes

asvm

To
The Revenue Divisional Officer,
Tirukovilur,
Villupuram District.